

Amendment suggestions

Pg. 32 Line 2 department shall proceed under the criteria provided in 85-2-307 through 85-2-311.

*-Period of notice needs to be included.*

Pg. 32 Lines 25 -26 ~~causes the adverse effect relative to the historic beneficial use of the appropriation right that is claimed to be adversely affected.~~

*- This would place an undue burden on the objector to include in excess of showing adverse effect.*

Pg. 33 Line 2 for or through which water will be put to beneficial use, the point of ~~diversion, and or the place of use that describes~~

*-Both places need to be looked at giving an example of a point of diversion 3 1/2 miles from place of use.*

Pg. 34 Lines 26-30 *We have reservations of making the bureau of mines and geology regulatory, especially granting them only 90 days to review the information given, not meeting the 90 day term would take away chance to object to its adequacy. We would rather see the bureau of mines and geology along with other Montana Universities able to be used by the department for review if deemed necessary by the department.*

New Section 24 Closed basin case study.

*As worded it has no place for the objector to claim adverse effect, while this may have been overlooked, language needs to be in place to make sure the participant won't have adverse effect allowed for the period of study.*

New Section 32 Applicability—retroactive applicability.

*We feel this will cause undue court cases, due to takings, AGAI was part in some of these negotiations and feel the rules and order at the time not only where followed but also led to where we are today in meeting a compromise and solution to new applicants in closed basins being able to appropriate water for a beneficial use. AGAI would rather see this section removed.*

*AGAI membership has also wished to include in this bill the ability to verify that the depletions are being replaced and the work in the augmentation plan is providing what it said it would. We would like to request a new section pertaining to verification and regulations if not being attained.*

The application process as created by HB 831 is fraught with litigation risk for the agency and applicant. If there is disagreement over adverse affect, will the dispute move directly to District Court? Expense and delay result from the application structure.